

**REMARKS/ARGUMENTS**

Claims 1-16, and 19 have been cancelled. Claims 17, 18 and 20-37 are pending.

**Claim rejections under 35 USC § 102**

The Examiner rejected claims 17-18, 20, 22, 23, 25, 29, 30-36 under 35 U.S.C. 102(e) as being anticipated by Lin et al. (US Patent 6,743,732). Attached is a declaration from one of the inventors of the present invention, stating that the invention was reduced to practice before January 26, 2001 and a redacted copy of a document cited by the declaration.

In addition, Lin et al. fails to disclose some of the limitations of claims 17-18, 20, 22, 23, 25, 29, and 30-36. For example, claim 32 recites providing CH<sub>3</sub>F while providing the etchant gas comprising NH<sub>3</sub>. The Examiner cited col. 4, lines 37-38, of Lin et al. as teaching providing CH<sub>3</sub>F while providing the etchant gas comprising NH<sub>3</sub>. Col. 4, lines 37-38, of Lin et al. teaches the use of CH<sub>x</sub>F<sub>y</sub> during a stop liner etch step after the NH<sub>3</sub> etch of the low K dielectric layer. The etch of the stop liner is different than the etch of the low K dielectric layer. Therefore Lin et al. does not disclose providing CH<sub>3</sub>F while providing the etchant gas comprising NH<sub>3</sub>, but instead during a different etch step. For at least these reasons, claims 17-18, 20, 22, 23, 25, 29, 30-36 are not anticipated by Lin et al.

**Claim rejections under 35 USC § 103**

The Examiner rejected claims 21, 24, 26-28, and 37 under 35 U.S.C. 103(a) as being obvious over Lin et al. (US Patent 6,743,732) in view of Bjorkman et al. (US Patent 6,340,435). As stated above, the attached declaration removes Lin et al. as a reference. In addition, it would not be obvious to combine the teaching of Lin with Bjorkman. There is no evidence provided by the references that the etch of Lin et al. would be successful if the temperatures of Bjorkman are used. For at least these reasons, claims 21, 24, 26-28, and 37 are not made obvious by Bjorkman.

Applicants believe that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a

telephone conference would expedite the prosecution of this application, the undersigned can be reached at telephone number (650) 961-8300.

Respectfully submitted,

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